
Appeal Decision

Site visit made on 3 January 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th January 2017

Appeal Ref: APP/B1740/W/16/3160212

5A Harford Close, Pennington, Lymington, Hampshire SO41 8EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Wendy Fry against the decision of New Forest District Council.
 - The application Ref 16/10840, dated 14 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is a two bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a two bedroom bungalow at 5A Harford Close, Pennington, Lymington, Hampshire SO41 8EX in accordance with the terms of the application, Ref 16/10840, dated 14 June 2016, subject to the conditions at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed bungalow on the character and appearance of the area.

Reasons

3. Harford Close is a post-war suburban estate of bungalows of similar design near the western edge of the built-up area of Pennington and Lymington. The land is flat and the estate is characterised by generous front gardens predominantly laid to lawn and open to the highway.
 4. No 5A is an addition to the bungalows on the southern spur of Harford Close, which is located to one side of the head of this cul-de-sac and was erected following permission granted on appeal in 2005.
 5. In 2015 permission was refused at appeal for a chalet bungalow on the appeal site, which comprises the side garden of No 5A. In terms of character and appearance the Inspector concluded that the proposed dwelling would have eroded much of the remaining open area on this part of the estate including the loss of the evergreen hedge, which still forms the view looking south down this cul-de-sac. She also considered that the proposed dwelling would have lacked the open frontage typical of the other houses in Harford Close.
 6. However, the current proposal would retain the evergreen hedge and frontage trees on Milford Road and the roof of the new bungalow would be below the hedge line because the building would be sunk into the ground by
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approximately 1m. The Council argues that the owner or any subsequent owner could remove the hedge and its retention could not be secured by condition. Whilst this is true I do not consider it likely since it would allow direct views into the dwelling through the patio doors on this elevation, which would not be in the interests of the privacy of its occupiers.

7. The new dwelling would also be accessed from the main road, its main elevation faces into the site and so this hedge would comprise its rear boundary. Its removal by subsequent occupiers would prejudice them and therefore be unlikely. Planning permission would be required to replace it with a fence or wall higher than 1m because it borders the public highway and the Council could refuse such an application.
8. The site is open and the proposed bungalow and its parking, pathways and turning area would largely fill it. But, as set out above, this would be unlikely to be seen from the Close itself because the new dwelling's main relationship would be with the main road given the retention of the existing evergreen hedges to the rear and side of the site. Its lack of a generous open front garden onto Harford Close itself does not therefore amount to a substantive reason for dismissing the appeal. The size of the appeal site is not significantly smaller than many of the other plots in the area including some in Harford Close itself.
9. For these reasons I conclude that the proposed development would not harm the character and appearance of the area. It would comply with Policies CS2 and CS10 of the Core Strategy for the New Forest outside the National Park, which together require development to respect the character, identity, and context of the area's towns, villages and countryside. Since the group of trees at the front of the site onto Milford Road would be retained the proposal would not be contrary to the *Lymington Local Distinctiveness Supplementary Planning Document*.

Conditions

10. The Council has suggested 10 conditions, all of which I consider to be necessary. A condition listing the approved plans is required to ensure certainty.
11. Conditions to agree the building's facing materials, slab levels and landscaping are necessary to ensure the development harmonises with the character and appearance of the area.
12. Conditions requiring the parking and turning space prior to occupation, the prevention of gates within 6m of the highway and the preclusion of additional access points are required in the interests of highway safety.
13. Details of adequate drainage arrangements are required prior to development commencing in order to ensure they are satisfactory and that no flooding will be caused by the development.
14. Finally, the possible effects of the development on nearby European Conservation Sites must be mitigated prior to development taking place, and I can see no reason why a negatively worded condition in this respect is unacceptable since it would secure such mitigation.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

Schedule of Conditions (10 conditions in total)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development permitted shall be carried out in accordance with the following approved plans: Plan 1 (location plan and block plan); Plan 2 (plan, roof plan and elevations); Access and Parking plan dated 29/8/16.
- 3 Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.
- 4 Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.
- 5 The development hereby permitted shall not be occupied until the spaces shown on the Access and Parking Plan for the parking of motor vehicles and cycles have been provided. These spaces shall be retained and kept available for the parking of motor vehicles and cycles for the dwelling hereby approved at all times.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that order, no access, vehicular or pedestrian, other than that shown on the approved plan shall be formed to the site.
- 7 Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
 - (a) the existing trees and shrubs which have been agreed to be

- retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) details of the proposed bin store and cycle stand;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

- 8 No gates at the entrance to the site shall be placed within 6m of the edge of the highway, and shall only open within the site.
- 9 Before development commences, details of the means of disposal of surface and foul water from the site shall be submitted to and approved in writing by the Local Planning Authority. A sustainable drainage system shall be used for the disposal of surface water unless impractical to do so and shall ensure that surface water does not discharge onto the highway. Development shall only take place in accordance with the approved details.
- 10 No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
 - (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) The development shall be carried out in accordance with and subject to the approved proposals.